



## ATTACHMENT A Remarks

Claims 1-6 stand pending in the present application. By this Amendment, in conjunction with the RCE filed herewith, Applicant has amended claims 1 and 3. Applicant respectfully submits that the present application is in condition for allowance based on the discussion which follows.

Claims 1-4 and 6 were rejected under 35 U.S.C. § 102(b) as being anticipated by Toth and claim 5 was rejected under 35 U.S.C. § 102(a) as being unpatentable over Toth in view of Lehrer et al (hereinafter “Lehrer”). The Examiner alleges that Toth discloses a balancing jacket having an inflatable chamber 17 consisting of a base element substantially having a plan C-shape, a central portion 25 with a base element being shaped as a U by applying a back element 15 made of a fabric of a complimentary shape with respect to the U-shape.

In order to more clearly recite Applicant’s invention, by this Amendment Applicant has amended claims 1 and 3 to further clarify that the inflatable chamber is formed from two individual pieces of a sealable fabric, each individual piece having a substantial plan C-shape and an opened U-shaped central portion. Subject matter basis for the amendment to claims 1 and 3 can be found in the specification as filed, pages 4-5 and Figures 1-4. Therefore, the amendment to claims 1 and 3 does not constitute new matter.

Amended claims 1 and 3 now more clearly distinguish the present inflatable chamber or base element from the inflatable chamber 17 of Toth and the present back element from the non-inflated central portion 25 of Toth. Unlike the present inflatable chamber which has two individual pieces of fabric having a plan C-shape and an

opened U-shaped central portion, the inflatable chamber 17 of Toth is formed from members 12, 14, 16 and 18 which are fused together to form chamber 17. However, none of the members 12, 14, 16 or 18 have a plan C-shape and an opened U-shaped central portion. Although the members 12, 18 including a sealing weld 20 which seals off a non-inflating area 25, the individual pieces or members 12, 18 themselves do not have an opened U-shaped central portion as claimed. Accordingly, Toth fails to teach or suggest the claimed inflatable chamber.

Further, Toth's non-inflated portion 25 fails to be a separate element fastened to an opened U-shaped central portion of an inflatable chamber as claimed.

Lehrer fails to teach or suggest the claimed inflatable chamber formed from individual pieces of a suitable fabric where each piece has a substantially plan C-shape and an opened U-shaped central portion or the claimed separate back element.

Based on the foregoing, Applicant respectfully requests that the rejection to the claims based on Toth individually or in combination with Lehrer be withdrawn.

In view of the foregoing, Applicant respectfully submits that the present application is in condition for allowance.

#### **END REMARKS**